

EXHIBIT 2

Swartz, Justin

From: Swartz, Justin
Sent: Monday, October 15, 2007 11:50 PM
To: 'Marlon_Ovalles@nysd.uscourts.gov'
Cc: Bien, Rachel; 'Michael Sweeney'
Subject: RE: Clark v. Ecolab, Inc. - 07 Civ 8623 - (UNA)

Mr. Ovalles --

Plaintiffs believe that the Court should accept *Clark v. Ecolab, Inc.*, 07-CV-8623 (UNA), as related to *Masson v. Ecolab, Inc.*, 04-CV-04488 (PAC) (RLE), and *English v. Ecolab, Inc.*, 06-CV-5672 (PAC), because (1) the Defendant is the same in all cases; (2) one of the legal claims, the FLSA overtime claim, is the same in all cases; (3) the facts giving rise to some of the California law overtime claims in *Clark* are the same as the facts giving rise to some of the FLSA claims in *Masson* and *English*; and (4) the proposed Rule 23 class in *Clark* includes all opt-in California Plaintiffs in *Masson* and all potential opt-in California Plaintiffs in *English*. Please let us know if the Court needs more information.

As for the oral argument date in *English*, we are in the process of conferring with opposing counsel and will inform the Court as soon as we reach agreement.

Best regards,

Justin
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From: Marlon_Ovalles@nysd.uscourts.gov [mailto:Marlon_Ovalles@nysd.uscourts.gov]
Sent: Friday, October 12, 2007 2:31 PM
To: Swartz, Justin
Cc: Bien, Rachel
Subject: Clark v. Ecolab, Inc. - 07 Civ 8623 - (UNA)

Justin,

Judge Crotty finally received a memo from the Clerk of Court indicating that Clark -v- Ecolab was filed as related to English -v- Ecolab. Before Judge Crotty determines to accept the case as related or not, His Honor would appreciate a brief explanation from you as to why Clark -v Ecolab should be accepted as related. Feel free to send your thoughts as an e-mail response since it doesn't need to be formal (i.e letter). Secondly, Judge Crotty is set to hear oral argument on the pending motion in English -v- Ecolab. Due to Judge Crotty's trial schedule, His Honor would like to go forward with the oral argument on one of the dates listed below. Please confer with your adversary and agree upon one of the dates below. If none of the proposed dates listed below work with your calendars, Judge Crotty will be available throughout the week of November 26, 2007. Once you've agree on one of the dates below, or agreed on alternate dates, please send me a e-mail with the agreed upon date. I'll be out on Monday so if you do agree upon dates, you will not receive a response until Tuesday. Have a good weekend!

Monday, October 22, 2007 at 11:00 a.m or 3:30 p.m
Wednesday, October 24, 2007 at 4:00 p.m
Thursday, October 25, 2007 at 11:20 a.m
Friday, October 26, 2007 at 11:00 a.m

Marlon Ovalles

1/14/2008

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10/09/2007 09:37 AM

To <Marlon_Ovalles@nysd.uscourts.gov>

cc: "Bien, Rachel" <rmb@outtengolden.com>

Subject RE: Clark v. Ecolab, Inc.

Thank you, Mr. Ovalles. This clears things up.
Best regards,
Justin

From: Marlon_Ovalles@nysd.uscourts.gov [mailto:Marlon_Ovalles@nysd.uscourts.gov]
Sent: Tuesday, October 09, 2007 9:35 AM
To: Swartz, Justin
Subject: Clark v. Ecolab, Inc.

Justin,

Hope all is well. This case was opened on Friday by the Clerk's Office. I'm sure Judge Crotty will receive the original complaint and a memo from the Clerk's office asking Judge Crotty if this case should be accepted as related to Masson or English -v- Ecolab. This process normally takes five business days. You will receive ECF notification as soon as the case is assigned to Judge Crotty or a different judge. I hope this helps.

Marlon Ovalles
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1/14/2008